

1 **Education Cabinet**

2 **Kentucky Board of Education**

3 **Department of Education**

4 **(Amendment)**

5 **707 KAR 1:280. Definitions.**

6 RELATES TO: KRS 157.200, 157.220, 157.224, 157.226, 157.230, 157.250, 157.260,
7 157.270, 157.280, 157.285, 157.290, 157.360, 158.030, 158.100, 158.150, 160.290, 20
8 U.S.C. § 1221(e), 20 U.S.C. § 1400-1419, 34 CFR 300.1-300.662.

9 STATUTORY AUTHORITY: KRS 156.070(1), 156.160, 157.220, 157.224, 157.260,
10 and 167.015.

11 NECESSITY, CONFORMITY, AND FUNCTION: KRS 157.200 to 157.290 establish
12 the statutory framework for special education programs in local school districts. KRS
13 157.220 mandates that the Kentucky Board of Education adopt rules and administrative
14 regulations to generally carry out these programs. KRS 156.035 sets forth the authority
15 of the Kentucky Board of Education to implement any act of Congress appropriating
16 funds to the state and to provide for the proper apportionment and disbursement of these
17 funds in accordance with state and federal laws. 20 U.S.C. 1400 et. seq. and 34 C.F.R.
18 Part 300 require that policies and procedures be adopted to assure the apportionment and
19 disbursement of federal funds for exceptional children programs
20 in accordance with applicable laws. This administrative regulation establishes definitions
21 for this chapter of administrative regulations regarding special education.

1 Section 1. Definitions. (1) “Admissions and Release Committee (ARC)” means a group
2 of individuals described in 707 KAR 1:320 Section 3, which is responsible for
3 developing, reviewing, or revising an Individual Education Program (IEP) for a child
4 with a disability.

5 (2) “Adverse effect” means that the progress of the child is impeded by the disability to
6 the extent that the educational performance is significantly and consistently below the
7 level of similar age peers.

8 (3) ~~[(3) “Application” means a written request for funds which addresses requirements or
9 terms to be met on a continuing basis in order for funds to be released or paid to or on
10 behalf of the applicant.]~~

11 “Assistive technology device” means any item, piece of equipment, or product system,
12 whether acquired commercially, off the shelf, modified, or customized, that is used to
13 increase, maintain, or improve the functional capabilities of a child with a disability. The
14 term does not mean a medical device that is surgically implanted, or the replacement of
15 such a device.

16 (4) ~~[(5)]~~ “Assistive technology service” means any service that directly assists a child
17 with a disability in the selection, acquisition, or use of an assistive technology device.

18 This term shall include:

- 19 (a) the evaluation of the needs of a child with a disability, including a functional
20 evaluation of the child in the child’s customary environment;
- 21 (b) purchasing, leasing, or otherwise providing for the acquisition of assistive technology
22 devices by children with disabilities;
- 23 (c) selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing,

1 or replacing assistive technology devices;

2 (d) coordinating and using other therapies, interventions, or services with assistive
3 technology devices, like those associated with existing education and rehabilitation plans
4 and programs;

5 (e) training or technical assistance for a child with a disability or, if appropriate, that
6 child's family; and

7 (f) training or technical assistance for professionals (including individuals providing
8 education or rehabilitation services), employers, or other individuals who provide
9 services to, employ, or are otherwise substantially involved in the major life functions of
10 the child.

11 (5) [~~(6)~~] “Autism” means a developmental disability significantly effecting verbal and
12 nonverbal communication and social interaction, generally evident before age three (3)
13 that adversely effects a child’s educational performance. Other characteristics often
14 associated with autism are engagement in repetitive activities and stereotyped
15 movements, resistance to environmental change or change in daily routines, and unusual
16 responses to sensory experiences. The term shall not apply if a child’s educational
17 performance is adversely effected primarily because the child has an emotional-behavior
18 disability.

19 (6) [~~(7)~~] “Business day” means Monday through Friday except for federal and state
20 holidays, unless a holiday is specifically included in the designation of business day as in
21 707 KAR 1:370 Section 1.

22 (7) [~~(8)~~] “Caseload for special classes” means the number of children with disabilities
23 assigned to a teacher of exceptional children for the purpose of providing individualized

1 specially designed instruction and related services in a special class setting.

2 (8) “Change of placement because of disciplinary removals” means a change of

3 placement occurs if:

4 (a) the removal is for more than ten (10) consecutive schools days; or

5 (b) the child has been subjected to a series of removals that constitute a pattern (which is
6 determined on a case-by-case basis) because:

7 (i) the series of removals total more than 10 school days in a school year;

8 (ii) the child’s behavior is substantially similar to the child’s behavior in previous
9 incidents that resulted in the series of removals; and

10 (iii) of additional factors including the length of each removal, the total amount of time
11 the child has been removed, and the proximity of the removals to on another.

12 (9) “Child with a disability” means a child evaluated in accordance with 707 KAR 1:300,
13 as meeting the criteria listed in this section for autism, deaf-blindness, developmental
14 delay, emotional-behavior disability, hearing impairment, mental disability, multiple
15 disabilities, orthopedic impairment, other health impairment, specific learning disability,
16 speech or language impairment, traumatic brain injury, or visual impairment which has
17 an adverse effect on the child’s educational performance and who, as a result, needs
18 special education and related services.

19 (10) “Class size for resource classes” means the number of children with disabilities
20 assigned to a teacher of exceptional children per period, block, or the specified length of
21 the time set by the individual school.

22 (11) “Collaboration” means, for purposes of determining class size in 707 KAR 1:350,
23 Section 2, a teacher of exceptional children works with children with disabilities in the

1 regular classroom to provide specially designed instruction and related services.

2 (12) “Complaint” means a written allegation that a local education agency (LEA) has
3 violated a requirement of the Individuals with Disabilities Education Act (IDEA) or an
4 implementing administrative regulation, and the facts on which the statement is based.

5 (13) “Compliance” means the obligations of state or federal requirements are met.

6 (14) “Compliance monitoring report” means a written description of the findings of an
7 investigation, like on-site monitoring, citing each requirement found in non-compliance.

8 (15) “Consent” means:

9 (a) a parent has been fully informed of all information relevant to the activity for which
10 consent is sought, in his native language, or other mode of communication;

11 (b) a parent understands and agrees in writing to the carrying out of the activity for which
12 his consent is sought, and the consent describes the activity and lists the records, if any,
13 that will be released and to whom; and

14 (c) a parent understands that the granting of consent is voluntary on the part of the parent
15 and may be revoked at any time; and

16 (d) if a parent revokes consent, that revocation is not retroactive (i.e., it does not negate
17 an action that has occurred after the consent was given and before the consent was
18 revoked).

19 (16) “Controlled substance” means a drug or other substance identified under 21 U.S.C.
20 Section 812 (c).

21 (17) “Core academic subjects” means English, reading or language arts, mathematics,
22 science, foreign language, civics and government, economics, arts, history, and
23 geography.

1 (18) “Corrective action plan (CAP)” means a written improvement plan describing
2 activities and timelines, with persons responsible for implementation, developed to
3 correct identified areas of non-compliance, including directives from the Kentucky
4 Department of Education, specifying actions to be taken to fulfill a legal obligation.

5 (19) “Course of study” means a multi-year description of coursework from the student’s
6 current school year to the anticipated exit year designed to achieve the student’s desired
7 post-school goals.

8 (20) [(19)] “Day” means calendar day unless otherwise indicated as business day or
9 school day

10 (21) [(20)] “Deaf-Blindness” means concomitant hearing and visual impairments that
11 have an adverse effect on the child’s education performance, the combination of which
12 causes severe communication and other developmental and educational needs that cannot
13 be accommodated in special education programs solely for children with deafness or
14 children with blindness, unless supplementary assistance is provided to address
15 educational needs resulting from the two disabilities.

16 ~~[(20) Deficiency” means non-compliance.]~~

17 (22) [(21)] “Developmental delay (DD)” means that a child within the ages of three (3)
18 through eight (8) has not acquired skills, or achieved commensurate with recognized
19 performance expectations for his age in one or more of the following developmental
20 areas: cognition, communication, motor development, social-emotional development, or
21 self-help/adaptive behavior. Developmental delay includes a child who demonstrates a
22 measurable, verifiable discrepancy between expected performance for the child’s
23 chronological age and current level of performance. The discrepancy shall be

1 documented by:

- 2 (a) scores of two (2) standard deviations or more below the mean in one of the areas
3 listed above as obtained using norm-referenced instruments and procedures; or
4 (b) scores of one and one-half standard deviations below the mean in two (2) or more of
5 the areas listed above using norm-referenced instruments and procedures; or
6 (c) the professional judgment of the ARC that there is a significant atypical quality or
7 pattern of development. Professional judgment shall be used only where normed scores
8 are inconclusive and the ARC documents in a written report the reasons for concluding
9 that a child has a developmental delay.

10 (23) [~~(22)~~] “Education Records” means records as defined in the Family Educational
11 Rights and Privacy Act of 1974, 20 U.S.C. Section 1232(g).

12 (24) [~~(23)~~] “Emotional-behavioral disability (EBD)” means that a child, when provided
13 with interventions to meet instructional and social-emotional needs, continues to exhibit
14 one or more of the following, when compared to the child’s peer and cultural reference
15 groups, across settings, over a long period of time and to a marked degree:

- 16 (a) severe deficits in social competence or appropriate behavior which cause an inability
17 to build or maintain satisfactory interpersonal relationships with adults or peers;
18 (b) severe deficits in academic performance which are not commensurate with the
19 student’s ability level and are not solely a result of intellectual, sensory, or other health
20 factors but are related to the child’s social-emotional problem;
21 (c) a general pervasive mood of unhappiness or depression; or
22 (d) a tendency to develop physical symptoms or fears associated with personal or school
23 problems.

1 This term does not apply to children who display isolated (not necessarily one)
2 inappropriate behaviors that are the result of willful, intentional, or wanton actions unless
3 it is determined through the evaluations process that the child does have an emotional-
4 behavioral disability.

5 (25) [~~(24)~~] “Enforcement” means the Kentucky Department of Education takes steps to
6 ensure federal and state special education requirements are implemented.

7 (26) [~~(25)~~] “Extended school year services” means specially designed instruction and
8 related services that are provided to a child with a disability beyond the normal school
9 year in accordance with the child’s IEP at no cost to the parents.

10 (27) [~~(26)~~] “Free appropriate public education (FAPE)” means special education and
11 related services that:

12 (a) are provided at public expense, under public supervision and direction, and without
13 charge;

14 (b) meet the standards of the Kentucky Department of Education included in 707 KAR
15 Chapter 1 and the Program of Studies, 704 KAR 3:303, as appropriate;

16 (c) include preschool, elementary school, or secondary school education in the state; and

17 (d) are provided in conformity with an individual education program (IEP) that meets the
18 requirements of 707 KAR 1:320.

19 (28) “Functional” means activities and skills that are not considered academic or related
20 to a child’s academic achievement as measured on statewide assessments contained in
21 703 KAR Chapter 5.

22 (29) “Hearing impairment” (sometimes referred to as deaf or hard of hearing) means a
23 hearing loss that:

1 (a) may be mild to profound, unilateral or bilateral, permanent or fluctuating, and is
2 determined by:

3 (1) an average pure tone hearing loss in the speech range (500-2000Hz) of at least 25
4 dBHL in the better ear;

5 (2) an average high frequency, pure tone hearing loss of at least 35 dBHL in the better ear
6 for two or more of the following frequencies: 2000, 4000, or 6000HZ; or

7 (3) a unilateral hearing loss of at least 60dBHL as determined by either (a)(1) or (a)(2);

8 (b) results in difficulty processing linguistic information through hearing; and

9 (c) has an adverse effect on the child's educational performance.

10 (30) "High school diploma" means the student has completed the required course of
11 study with the minimum number of credit hours as required by 704 KAR 3:305 and any
12 applicable local district requirements. "High school diploma" does not mean a certificate
13 of completion or a GED.

14 ~~[(27) "Hearing impairment (HI)" means that a child has a hearing loss that has an adverse~~
15 ~~effect on the child's educational performance, whether permanent or fluctuating, ranging~~
16 ~~from mild to profound (a loss of 25 decibels (dB) or greater exists through speech~~
17 ~~frequencies of 500, 1000, and 2000 Hertz (Hz) in the better ear), and of a degree that the~~
18 ~~child is impaired in the processing of linguistic information through hearing, with or~~
19 ~~without amplification.]~~

20 (31) [(28)] "Home school" means for purposes of 707 KAR Chapter 1 only, a private
21 school primarily conducted in one's residence.

22 (32) [(29)] "IDEA" means the Individuals with Disabilities Education Act, 20 U.S.C.
23 Section 1400 et.seq., as amended.

1 (33) [~~(30)~~] “Independent educational evaluation” means an evaluation conducted by a
2 qualified examiner who is not employed by the LEA responsible for the education of the
3 child in question.

4 (34) [~~(31)~~] “Individual education program (IEP)” means a written statement for a child
5 with a disability that is developed, reviewed and revised in accordance with 707 KAR
6 1:320.

7 (35) “Interpreting services” means, with respect to children who are deaf or hard of
8 hearing, oral transliteration services, cued language transliteration services, sign language
9 transliteration and interpreting services, and transcription services such as communication
10 access real-time translation (CART) C-Print and TypeWell and special interpreting
11 services for children who are deaf-blind.

12 (36) [~~(32)~~] “Local educational agency (LEA)” means a public local board of education or
13 other legally constituted public authority that has either administrative control or
14 direction of public elementary or secondary schools in a school district or other political
15 subdivision of the Commonwealth. LEA also means any other public institution or
16 agency, including the Kentucky School for the Blind (KSB) and the Kentucky School for
17 the Deaf (KSD), that is charged by state statute with the responsibility of providing
18 educational services to children with disabilities.

19 (37) [~~(33)~~] “Mental disability” means that a child has one of the following:

20 (a) a mild mental disability (MMD) in which:

- 21 1. cognitive functioning is at least two (2) but no more than three (3) standard deviations
- 22 below the mean;
- 23 2. adaptive behavior deficits are at least two (2) standard deviations below the mean;

1 3. a severe deficit exists in overall academic performance including acquisition, retention,
2 and application of knowledge; and

3 4. is typically manifested during the developmental period; or

4 (b) a functional mental disability (FMD) in which:

5 1. cognitive functioning is at least three (3) or more standard deviations below the mean;

6 2. adaptive behavior deficits are at least three (3) or more standard deviations below the
7 mean;

8 3. a severe deficit exists in overall academic performance including acquisition, retention,
9 and application of knowledge; and

10 4. is typically manifested during the developmental period.

11 (38) [(34)] “Monitoring” means gathering and reviewing information to determine if a
12 project or program meets state and IDEA federal special education requirements
13 including the implementation of corrective action plans.

14 (39) [(35)] “Multiple disabilities (MD)” means concomitant impairments that have an
15 adverse effect on the child’s educational performance (e.g., mental disability-blindness,
16 mental disability-orthopedic impairment, etc.), the combination of which causes severe
17 educational needs that cannot be accommodated in special education programs solely for
18 one of the impairments. Multiple disabilities does not mean deaf-blindness nor does it
19 mean a speech or language impairment in combination with another category of
20 disability.

21 (40) [(36)] “Native language” means, if used in reference to an individual of limited
22 English proficiency, the following:

23 (a) the language normally used by that individual, or, in the case of a child, the language

1 normally used by the parents of the child;

2 (b) in all direct contact with a child (including evaluation of the child), the language

3 normally used by the child in the home or learning environment; or

4 (c) for an individual with deafness or blindness, or for an individual with no written

5 language, the mode of communication that is normally used by the individual (e.g., sign

6 language, Braille, or oral communication).

7 (41) [~~(37)~~] “Orthopedic impairment (OI)” means a severe orthopedic impairment that

8 adversely effects a child’s educational performance. The term includes an impairment

9 caused by a congenital anomaly (e.g., clubfoot, absence of some member, etc.), an

10 impairment caused by disease (e.g., poliomyelitis, bone tuberculosis, etc), and an

11 impairment from other causes (e.g., cerebral palsy, amputations, and fractures or burns

12 that causes contractures).

13 (42) [~~(38)~~] “Other health impairment (OHI)” means having limited strength, vitality, or

14 alertness, including a heightened alertness to environmental stimuli, that results in limited

15 alertness with respect to the educational environment, that:

16 (a) is due to a chronic or acute health problem e.g., as acquired immune deficiency

17 syndrome, asthma, attention deficit disorder or attention deficit hyperactivity disorder,

18 diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis,

19 rheumatic fever, sickle cell anemia, Tourette syndrome, or tuberculosis; and

20 (b) adversely effects a child’s educational performance.

21 (43) [~~(39)~~] “Parent” means:

22 (a) a biological [~~natural~~] or adoptive parent of a child;

23 (b) a guardian generally authorized to act as the child’s parent, or authorized to make

1 educational decisions for the child, but not the state if the child is a ward of the state;

2 (c) a person acting in the place of a biological or adoptive parent (e.g., a grandparent or
3 stepparent or other relative) with whom the child lives or a person who is legally
4 responsible for the child’s welfare;

5 (d) a foster parent if the biological or adoptive [~~natural~~] parents’ authority to make
6 educational decisions on the child’s behalf has been extinguished and the foster parent
7 has an ongoing, long-term parental relationship with the child, is willing to make the
8 educational decisions required of parents under 707 KAR Chapter 1, and has no interest
9 that would conflict with the interests of the child; or

10 (e) a surrogate parent who has been appointed in accordance with 707 KAR 1:340,
11 Section 7.

12 (44) [~~(40)~~] “Participating agency” means a state or local agency other than the LEA that
13 is financially and legally responsible for providing transition services to a child with a
14 disability.

15 (45) [~~(41)~~] “Personally identifiable information” means information that includes the
16 name of the child, the child’s parents, or other family member, the address of the child, a
17 personal identifier, including the child’s social security number or student number, or a
18 list of personal characteristics or other information that would make it possible to identify
19 the child with reasonable certainty.

20 (46) “Postsecondary goals” means those goals that a student hopes to achieve after
21 leaving secondary school (i.e., high school).

22 (47) [~~(42)~~] “Private school children with disabilities” means children with disabilities
23 enrolled by their parents in private elementary or secondary school as established by

1 IDEA regulations, 34 CFR Part 300.13 and 300.36, [schools] and not children with
2 disabilities enrolled in private schools upon referral by a LEA.

3 (48) [(43)] “Public expense” means that the LEA either pays for the full cost of the
4 services to meet the requirements of 707 KAR Chapter 1 or ensures that the services are
5 otherwise provided at no cost to the parent. Nothing in these regulations shall relieve an
6 insurer or similar third party from an otherwise valid obligation to provide or to pay for
7 services provided to a child with a disability.

8 (49) [(44)] “Qualified personnel” means personnel who meet the statutory or regulatory
9 qualifications for each respective profession currently applicable in this state.

10 (50) [(45)] “Reasonable efforts to obtain voluntary compliance” means active and
11 ongoing efforts by the Kentucky Department of Education through technical assistance
12 and negotiation to arrive at an acceptable corrective action plan and follow through on an
13 agreed upon corrective action plan.

14 (51) [(46)] “Related services” means transportation and such developmental, corrective,
15 or supportive services as are required to assist a child with a disability to benefit from
16 special education. It includes speech-language pathology and audiology services,
17 interpreting services, psychological services, physical and occupational therapy,
18 recreation including therapeutic recreation, early identification and assessment of
19 disabilities in children, counseling services including rehabilitation counseling,
20 orientation and mobility services, and medical services for diagnostic or evaluation
21 purposes. Related services also mean school health services and school nurse services,
22 social work services in school, and parent counseling and training. Related services do
23 not include a medical device that is surgically implanted, the optimization of that device’s

1 functioning (such as mapping) maintenance of that device, or the replacement of that
2 device. However, nothing in 707 KAR Chapter 1 limits: 1) the responsibility of the LEA
3 to appropriately monitor and maintain medical devices that are needed to maintain the
4 health and safety of the child, including breathing, nutrition, or operation of other bodily
5 functions, while the child is transported to and from school or is at school; 2) prevents the
6 routine checking of an external component of a surgically implanted device to make sure
7 it is functioning properly or 3) the right of a child with a surgically implanted device to
8 receive related services that are determined by the ARC to be necessary for the child to
9 receive FAPE.

10 (52) [(47)] “Sanctions” means actions (e.g., technical assistance, consultation, or training,
11 among others) taken by the Kentucky Department of Education in response to a LEA’s
12 failure to comply with the required standards in state and federal laws and administrative
13 regulations.

14 (53) [(48)] “School day” means any day, including a partial day, that children are in
15 attendance at school for instructional purposes. School day means the same thing for all
16 children in school, including children with or without disabilities.

17 (54) “Serious bodily injury” means bodily injury as established in 19 U.S.C. Section 1365
18 (3) (h).

19 (55) “Services plan” means a written statement that describes the special education or
20 related services that the LEA will provide to a parentally-placed child with a disability
21 enrolled in a private school who has been designated to receive services, including the
22 location of the services and any transportation necessary that is developed in accordance
23 with 707 KAR 1:370.

1 (56) [(49)] “Special education” means specially designed instruction, at no cost to the
2 parents, to meet the unique needs of the child with a disability including instruction in the
3 classroom, in the home, in hospitals and institutions, and in other settings. Special
4 education means speech-language pathology services, (if the service is considered special
5 education rather than a related service), travel training, and vocational education.

6 (57) [(50)] “Special education mentor” means individuals with exceptional expertise,
7 experience, and certification in special education administration or teaching granted the
8 authority described in KRS 157.197.

9 (58) [(51)] “Specially-designed instruction” means adapting as appropriate the content,
10 methodology, or delivery of instruction to address the unique needs of the child with a
11 disability and to ensure access of the child to the general curriculum included in the
12 Program of Studies, 704 KAR 3:303.

13 (59) [(52)] “Specific learning disability (LD)” means a disorder that adversely affects the
14 ability to acquire, comprehend or apply reading, mathematical, writing, reasoning,
15 listening, or speaking skills to the extent that specially designed instruction is required to
16 benefit from education. The specific learning disability (LD) may include dyslexia,
17 dyscalculia, dysgraphia, developmental aphasia, and perceptual/motor disabilities. The
18 term does not include deficits that are the result of other primary determinant or disabling
19 factors such as vision, hearing, motor impairment, mental disability,
20 emotional/behavioral disability, environmental or economic disadvantaged, cultural
21 factors, limited English proficiency, or lack of high quality, research-based instruction in
22 the deficit area.~~[disorder in one or more of the basic psychological processes involved in~~
23 ~~understanding or in using language, spoken or written, that may manifest itself in~~

1 ~~diminished ability to listen, think, speak, read, write, spell, or to do mathematical~~
2 ~~calculations, including conditions like perceptual disabilities, brain injury, minimal brain~~
3 ~~dysfunction, dyslexia, and developmental aphasia. Specific learning disability does not~~
4 ~~include learning problems that are primarily the result of visual, hearing, or motor~~
5 ~~disabilities, of mental disability, of emotional disturbance, or of environmental, cultural,~~
6 ~~or economic disadvantage.]~~

7 (60) [(53)] “Speech or language impairment” means a communication disorder, including
8 stuttering, impaired articulation, a language impairment, a voice impairment, delayed
9 acquisition of language, or an absence of language, that adversely effects a child’s
10 educational performance.

11 (61) [(54)] “Supplementary aids and services” means aids, services, and other supports
12 that are provided in regular education classes or other education-related settings to enable
13 a child with disabilities to be educated with nondisabled children to the maximum extent
14 appropriate in accordance with 707 KAR 1:350.

15 (62) [(55)] “Transition Services” means a coordinated set of activities for a child with a
16 disability that:

17 (a) is designed to be within a results-oriented process, that is focused on improving the
18 academic and functional achievement of the child with a disability to facilitate the child’s
19 movement from school to post-school activities [~~within an outcome-oriented process (i.e.,~~
20 ~~a process that outlines how a student will achieve goals consistent with the general~~
21 ~~curriculum, as appropriate), that promotes movement from school to post-school~~
22 ~~activities,] including postsecondary education, vocational training, integrated
23 employment (including supported employment), continuing and adult education, adult~~

1 services, independent living, or community participation;

2 (b) is based on the individual student's needs, taking into account the child's strengths

3 preferences and interests; and

4 (c) includes:

5 1. instruction;

6 2. related services; [~~and~~]

7 3. community experiences;

8 4. the development of employment and other post-school adult living objectives; and

9 5. if appropriate, acquisition of daily living skills and functional vocational evaluation.

10 (63) [~~(56)~~] "Traumatic brain injury (TBI)" means an acquired injury to the brain caused

11 by an external physical force, resulting in total or partial functional disability or

12 psychosocial impairment, or both, that adversely effects a child's educational

13 performance. Traumatic brain injury does not mean brain injuries that are congenital or

14 degenerative, or brain injuries induced by birth trauma. Traumatic brain injury means

15 open or closed head injuries resulting in impairments in one or more areas, including:

16 (a) cognition;

17 (b) language;

18 (c) memory;

19 (d) attention;

20 (e) reasoning;

21 (f) abstract thinking;

22 (g) judgment;

23 (h) problem-solving;

- 1 (i) sensory, perceptual, and motor abilities;
- 2 (j) psychosocial behavior;
- 3 (k) physical functions;
- 4 (l) information processing; and
- 5 (m) speech.

6 (64) [~~(57)~~] “Travel training” means instruction to children with significant cognitive
7 disabilities and any other children with disabilities, as appropriate, to enable them to
8 develop an awareness of the environment in which they live and to learn the skills
9 necessary to move effectively and safely from place to place within that environment
10 (e.g., school, home, work and community).

11 (65) [~~(58)~~] “Visual impairment (VI)” means a child has a vision loss, even with
12 correction, as follows:

13 (a) visual acuity even with prescribed lenses that is 20/70 or worse in the better eye; or

14 (b) visual acuity that is better than 20/70 and the child has one of the following
15 conditions:

- 16 1. a medically diagnosed progressive loss of vision;
- 17 2. a visual field of 20 degrees or worse;
- 18 3. a medically diagnosed condition of cortical blindness; or
- 19 4. a functional vision loss;

20 (c) requires specialized materials, instruction in orientation and mobility, Braille, visual
21 efficiency, or tactile exploration; and

22 (d) has an adverse effect on the child’s educational performance.

23 (66) [~~(59)~~] “Ward of the state” means: a child who has been committed to the Cabinet for

1 Families and Children or the Department of Juvenile Justice through a legal process,
2 whether the commitment is voluntary or nonvoluntary and the biological or adoptive
3 ~~[natural]~~ parental rights have been terminated.

4 (67) ~~[(60)]~~ “Weapon” means dangerous weapon as defined in 18 U.S.C. Section 930 (g)
5 (2 (61)).

6 (68) “Withholding” means no further payments of specified funds are made to an
7 approved recipient.